

MOTION BY SUPERVISOR ZEV YAROSLAVSKY

November 18, 2008

Amendment to Item #23

The County of Los Angeles has supported the state’s significant efforts to address global warming through the passage of groundbreaking state laws. This legislation has included County-supported AB 32, also known as the Global Warming Solutions Act of 2006, County-supported SB 375, and SB 97, which mandated that the State develop California Environmental Quality Act (“CEQA”) guidelines regarding how CEQA documents should account for, and mitigate, greenhouse gas emissions created by projects subject to CEQA review.

While all three pieces of legislation established worthwhile goals, and the County was right to support these efforts, the true effect of these new laws will ultimately be determined by the various State regulatory agencies that are currently in the process of promulgating regulations to implement the legislation. If the County fails to monitor this regulatory activity, the County could be faced with expensive new mandates. These mandates could include:

- The possibility that capital projects would be forced to prepare a full Environmental Impact Report for all new projects—instead of negative declarations or mitigated negative declarations—because of the thresholds established for when a greenhouse gas emission should be deemed to be

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significant;

- The possibility that the County would not receive appropriate credit under AB 32 for the many policies and operational practices that we are currently enacting and will continue to enact in the future in order to save energy and reduce greenhouse gas emissions; and,
- The loss of local autonomy or funding resources as a result of failing to meet sustainability goals established by the California Air Resources Board or other state entities.

In sum, it is critical that the County's advocacy efforts do not stop when legislation is signed by the governor and instead continue throughout the regulatory processes to ensure that the County's policy priorities are met.

Separate from this concern, under Section 3.2-8 (Land Use Planning) of the State Legislative Agenda there is currently a broad proposal to support legislation" that would ensure that CEQA exemptions for affordable, infill, and farmworker housing are used by local jurisdictions. While this proposal may hold merit, the Board of Supervisors does not currently have enough information to evaluate staff's proposal.

I, THEREFORE, MOVE that the Board of Supervisors add a provision to the County's 2009-10 State Legislative Agenda to: Monitor regulatory proceedings initiated by AB 32, SB 375, and SB 97, and advocate for regulations that would 1) preserve the County's flexibility in making CEQA determinations; and, 2) incentivize actions by the County and other local governments to reduce greenhouse gas emissions and meet AB 32 mandates both through their operations and their regulatory authority.

I FURTHER MOVE that the Board of Supervisors remove provision 3.2-8 relating to CEQA exemptions from the State Legislative Agenda until such time as more information is provided by the Department of Regional Planning.